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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,709	08/18/2000	Steven Albert Benner		6472

7590 12/23/2003
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EXAMINER

BORIN, MICHAEL L

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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12122003

DATE MAILED:

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Commissioner for Patents

Response filed on 09/15/2003 is non-responsive. Applicant acknowledges that all pending claims are newly submitted, but argues that these claims are all directed to statutory subject matter and are related to the original claim. The issue however, is not patentability of the new claims but their patentability distinctness from the invention originally claimed. Where inventions are related as disclosed but are distinct as claimed, restriction may be proper. (MPEP 806). Examiner maintains that the initial and new claims are related as independent methods or patentably distinct which are either not disclosed as capable of use together, or have different modes of operation, different functions, or different effects. (MPEP 806.04, MPEP 808.01). Since applicant has received an action on the merits for the originally presented invention, this originally presented invention has been constructively elected by original presentation for prosecution on the merits.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one (1) month from the date of this letter.

NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. 1.136(a) OR (b), BUT THE STATUTORY PERIOD FOR RESPONSE SET IN THE COMMUNICATION MAILED [mail date] MAY BE EXTENDED UP TO A MAXIMUM OF SIX (6) MONTHS UNDER 37 CFR 1.136.

Any inquiry concerning this communication should be directed to Examiner M. BORIN, whose telephone number is (703) 305-4506.


Michael Borin, Ph.D.
Primary Examiner
Art Unit: 1631